In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 981

INDUSTRIAL UNION DEPARTMENT, AFL–CIO AND TEXTILE WORKERS UNION OF AMERICA, AFL–CIO, PETITIONERS

v.

THE BLACK HAWK CORPORATION AND NATIONAL LABOR RELATIONS BOARD

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

The judgment of the court of appeals (Pet. 2) was entered on August 18, 1970. The 90-day period for filing a petition for a writ of certiorari prescribed by 28 U.S.C. 2101(c) expired on November 16, 1970, and no extension of time was granted. The petition was filed on November 17, 1970. Since the 90-day time

limitation is jurisdictional, the petition is untimely and should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

ARNOLD ORDMAN,
General Counsel,
National Labor Relations Board.

DECEMBER 1970.

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